

## Update: Managing a Trial Under The Controlled Substances Act

### CHAPTER 15

#### Sentencing

#### 15.2 Sentencing for Major Controlled Substance Offenses

##### C. Major Controlled Substance Offenses that Require Consecutive Sentences

##### 4. Court of Appeals Cases Interpreting §7401(3)

Insert the following case summary immediately after the beginning of this sub-subsection near the top of page 322:

- *People v Doxey*, \_\_\_ Mich App \_\_\_ (2004)

The ameliorative effects of 2002 PA 665's amendment to MCL 333.7401(3) do not apply retroactively\* where the amendments did not simply reduce the penalties possible for conduct identical under both the amended and preamended versions. As amended, MCL 333.7401(3) does not proscribe the same conduct as the preamended version; rather, 2002 PA 665 altered the quantities of controlled substances involved in each statutory provision so that "new" crimes of delivery were created at the same time that mandatory consecutive sentences were eliminated in specific situations.

**Note:** For the purposes of the existing third bullet on page 322, which summarizes *People v Frederick Jones*, 2002 PA 665 amended MCL 333.7401(3) to eliminate the mandatory nature of consecutive sentences under specific circumstances. See the April 2003 update to Section 15.2(C).

\*2002 PA 665 became effective March 1, 2003.